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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/605,516

10/05/2003

Igor V. Touzov

2515

34185 7590 02/21/2007
IGOR V TOUZOV
212 CRESTONE DRIVE
CARY, NC 27513

EXAMINER

PHAM, HOA Q

ART UNIT

PAPER NUMBER

2886

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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30 DAYS

02/21/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Notice of Non-Compliant
Amendment (37 CFR 1.121)**

Application No.

10/605,516

Examiner

Hoa Q. Pham

Applicant(s)

TOUZOV, IGOR V.

Art Unit

2877

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 30 May 2006 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____.
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____.
- ☐ 3. Amendments to the drawings:
- ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
 - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
 - ☐ C. Other _____.
- ☐ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☐ E. Other: _____.
- ☒ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4):
See Continuation Sheet

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action. If any of above boxes 1. to 4. are checked, the correction required is only the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

Failure to timely respond to this notice will result in:


Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or

Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Legal Instruments Examiner (LIE), if applicable

Telephone No.

Continuation of 5 Other: The response filed on 5/30/06 is not entered because the response considered as a "personal letter" without signature. Applicant is preferred to MPEP 818, 818.01, 818.02(b), 818.03, 818.03(a-c) for responding to the restriction. Attached is a sample for responding to Restriction Requirement .



Hoa Q. Pham
Primary Examiner

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DEC 05 2006

Customer Number

Patent
Case No.:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: MAGARILL, SIMON

Application No.:

Confirmation No.:

Filed:

April 28,

Title:

RESPONSE TO RESTRICTION REQUIREMENT—ELECTION OF SPECIESMail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR § 1.8(a))

I hereby certify that this correspondence is being:

☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.☒ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at 571-273-8300.12-5-06
Date

Signed by:

Dear Sir:

Applicants acknowledge receipt of the Examiner's office action dated October 5, 2006, which required election among the patentably distinct species described by:

- I. Claims 1-3, 7-15 and 20-35 (figures 4-6 and 14);
- II. Claim 4 (figures 17-18);
- III. Claims 5-6 (figure 15);
- IV. Claims 16-19, 40-41 (figure 12); and
- V. Claims 36-39 (figure 13).

Applicants provisionally elect to prosecute claims 1-3, 7-15 and 20-35 in connection with Figures 4-6 and 14.

The requirement for election of species is hereby traversed on the grounds that the "species" identified are not mutually exclusive and therefore not properly designated as species, and that a search of the classes and subclasses relevant to the elected species and claims would reveal the art

Best Available Copy

Application No.: [REDACTED]

Case No.: [REDACTED]

relevant to the non-elected claims. Reconsideration of the election of species requirement is respectfully requested.

Respectfully submitted,

Date

12/5/06

By:

George

Reg. No.: [REDACTED]

Telephone No.: [REDACTED]

Office of Intellectual Property Counsel

Facsimile No.: [REDACTED]

Best Available Copy